

PERMS

76-1632

10 JUN 1976

MEMORANDUM FOR: Deputy Director for Administration

FROM :
Director of Personnel

SUBJECT : Review and Comments as Pertinent on the Summary
of Recommendations Contained in the Senate
Select Committee's Final Report - Book I

REFERENCE : Memo from Assoc. LC dtd 4 Jun 76, subj: Senate
Select Committee Recommendations

We have reviewed OLC's summary of the 87 recommendations contained in the Senate Select Committee's Final Report - Book I and have comments on the following:

1. Recommendation #31 - Improve DDI personnel system.

Comment: Yes. The actual text of this recommendation addresses two specific aspects of the DDI personnel system: (a) "that CIA and the Intelligence Oversight Committee(s) of Congress should reexamine the personnel system of the Directorate of Intelligence with a view to providing a more flexible, less hierarchical personnel system," and (b) "supergrade positions should be available on the basis of an individual's analytical capabilities."

In reference to (a) above: In the narrative leading to this part of the recommendation, the Committee's report cites what the Committee construes as "problems" flowing from certain DDI career and personnel management policies and practices such as recruitment of DDI analysts at entry levels for career employment in the DDI; career pattern rewards for most analysts by promotion to supervisory positions; too much organizational "layering" and successive levels of review, and little lateral entry of established analysts and intelligence experts into CIA (i.e., DDI) ranks. Under the Agency's decentralized personnel management system, primary responsibility for addressing this recommendation rests with the Deputy Director for

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Intelligence. The Office of Personnel could participate and assist the DDI in reorganizational efforts and provide guidance and assistance in the development of efforts to improve career and personnel management within the Career Service.

In reference to (b) above: As regards the recommendation of the Committee's Report relative to providing supergrade positions within the DDI on the basis of the individual's analytical capabilities, we conclude that the Committee is recommending extension of the "dual track" career progression for substantive officers (i.e., non-supervisory/managerial) into the supergrade range. Up to the present time, the evaluation criteria applied by the Office of Personnel in allocating non-supervisory positions in DDI components have related to establishing positions in the grade GS-09 through GS-15 level. The primary factors for evaluating such positions are:

- a. Nature, scope and complexity of assigned projects,
- b. Level of responsibility, and
- c. Extent to which the incumbent is recognized as an authority in a substantive field, either within the Agency or the Intelligence Community.

Establishment of positions at the grade GS-16, 17 and 18 levels would be determined by position audit by the Office of Personnel and substantiation that the evaluation of the various classification factors justified adjudication at the supergrade level. Supergrade ceiling allowances would have to be made available to accommodate their incumbents.

2. Recommendation #32 - DDI should bring in more established analysts.

Comment: Yes. The impact on the Office of Personnel will depend upon the DDI response to this recommendation. If staffing requirements are changed to emphasize the need for "more established analysts," the OP recruitment effort can be readily directed to this type of applicant.

3. Recommendation #34 - Continue to broaden experience of analysts by rotation.

Comment: Yes. Again the impact on OP will depend on the DDI response to this recommendation. We believe, however, the political aspects of rotation, both within Government and in the academic or

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business community may make such arrangements extremely difficult. Rotation within Government or with the academic or business community is probably easier recommended than achieved. It's a two-way arrangement and there is a real possibility of deep reluctance at this point in time to either take on a CIA employee or to permit such an association by one's own employees. It undoubtedly is an objective worthy of pursuit, however, and if the goal is not too massive can probably be attained on a limited scale.

4. Recommendation #56 - CIA employees should be required to report abuses.

Comment: Yes. This confirms the Agency's present position. There has been an Employee Bulletin issued on this subject and a recent DCI memorandum requiring that a paragraph of this effect be included in all employee Letters of Instruction.

5. Recommendation #57 - DCI should be required to report employee violations to the AG.

Comment: Neither. The actual text of this recommendation would required the DCI "to report any information regarding employee violations of law related to their duties and the results of any internal Agency investigation to the Attorney General." The reference to reporting the results of any internal Agency investigation is ambiguous and should be reworded . . . "and the results of any internal Agency investigation pertaining to an alleged violation of Title 18 to the Attorney General." This rewording would distinguish between questions about propriety, as opposed to legality, within Agency channels and would have the effect of facilitating such questioning. A larger question which must be raised is the possible inhibiting effect of these recommendations upon the individual employee's willingness to try innovative approaches in furtherance of the Agency's missions.

6. Recommendation #59 - CIA should periodically require employees to report abuses.

Comment: Yes. Current Agency policy and procedures cover this recommendation. In addition, we propose that coverage of this requirement be included in HSB 7-1, Handbook of Required Regulatory Readings, which is required reading for all employees on an annual basis.

7. Recommendation #65 - Continue to strengthen IG and OGC.

Comment: Yes. Action has already been taken to implement this recommendation through reorganization and expansion of these Staffs. The text of the Committee's Report includes a footnote to this

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recommendation proposing that efforts be made to rotate officers of the OGC to other Governmental positions. This aspect of the recommendation should be addressed by the General Counsel.

8. Recommendation #66 - IG and OGC should have rank equal to DD/CIA.

Comment: Yes. This recommendation has been implemented.

9. Recommendation #79 - GAO should audit at request of oversight committees.

Comment: GAO audit of the Agency to be expected to focus on Agency management policies and practices, particularly personnel management. The Agency must be prepared to fully explain and substantiate the several Agency personnel policies and practices (such as PRA's, underslotting, flexible T/O's, etc.) which are different from the regular Civil Service practices. As recent legislation in 1974 gave the GAO responsibility for program evaluation, it must be assumed that any GAO management audit of the Agency would incorporate program evaluation and/or review of internal program evaluation systems. Accordingly, the Office of Personnel and any other office conducting program evaluations must bear in mind GAO standards and guidelines.


~~E. W. M. Janney~~

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OP/P&C  (10 Jun 76)

76-1560

MEMORANDUM

SUBJECT: Senate Select Committee Recommendations

1. The new Senate Select Committee on Intelligence chaired by Senator Daniel K. Inouye (D., Hawaii), has indicated that its initial focus might be the Senator Frank Church (D., Idaho), Senate Select Intelligence Operations Committee recommendations. Attached is a summary of the 87 recommendations contained in the Church Committee's final report (Book I, Pages 423-474).

2. Some of the recommendations have been undertaken by actions of the Executive Branch, others would render statutory provisions of E. O. 11905, and others need to be addressed because they are new or something we oppose. Many of them have been examined previously by the Agency or the community and positions have been developed.

3. In order to prepare for the next onslaught, we ask that you respond along the following lines by 11 June.

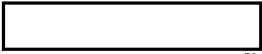
A. Mark yes or no or neither alongside each of the recommendations which you wish to comment on.

B. If no, add a brief explanation of the reasons for your opposition.

C. If neither, add your comments.

D. Attach any prepared positions in your possession which relate to the recommendations.

4. Once your returns are in we shall want to meet to discuss the preparation of updated final positions. Please also designate a focal point officer who we can work with on this matter. If you have any questions please contact the undersigned.


Associate Legislative Counsel

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Distribution:

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IG Staff

SENATE SELECT COMMITTEE RECOMMENDATIONS

1. Recast NSA of 1947 (purpose of national intelligence, define relationship between Congress and intelligence agencies).
2. Legislation to define charter of NSC, DCI, CIA, intel component of DOD (NSA/DIA).
3. Legislation to set forth structure and procedure of community and role of Agencies which comprise it.
4. Legislation to define prohibitions.
5. By statute, NSC should be empowered direct intel (collection, CI, CA).
6. By statute, AG to be advisor to NSC.
7. By statute, reaffirm existing power of DCI to coordinate intelligence community.
8. By statute, establish OAG.
9. OAG Chairman to be confirmed by Senate.
10. OAG should have staff.
11. OAG must pass each CA - Review on-going once a year.
12. By statute, Sec. State should be designated spokesman for policy and purpose underlying CA projects.
13. By statute, DCI should report to Committee prior to initiation of CA project; keep Committee fully and currently informed and submit semi-annual report.
14. Select Committee to have authorization power, Hughes-Ryan Amendment should be amended so that CA notification to Select Committee only.
15. By statute, establish NSC counter-intelligence Committee which, inter alia set standards for operations in U.S. and recruitment of U.S. citizens abroad.
16. By statute, DCI established as principal foreign intel adviser with exclusive responsibility for producing national intell for President and Congress. Recommends establishment of outside board.

17. By statute, empower DCI to establish requirements, prepare budget and provide guidance intel program, and Chair CFI. DCI authority to reprogram within community budget should be defined by statute.
18. By statute, DDCI for community, Senate confirmation - only one of three can be military.
19. Select Committee should consider whether Congress should appropriate funds for national intel to DCI.
20. By statute, DCI tenure should be no more than 10 years.
21. Committee should consider separating DCI from direct responsibility for CIA.
22. By statute, establish charter for CIA (collection, CI, CA, production).
23. CIA be allowed to engage in relevant activities in U.S. - by statute, oversight committee review at least annually CIA foreign intel in U.S.
24. By statute, AG report violations of law to President and oversight committee.
25. Recommends subcommittee of CFI to review HUMINT, include Sec. State as Chairman.
26. Oversight committee should carefully examine CS collection to insure use only when necessary.
27. Oversight committee should consider: DCD place in CIA, that DCD contacts be informed when they are used for operations, prohibit recruitment of immigrants who have applied for citizenship.
28. President, in consultation with oversight committees, should undertake classified review of current issues re CI.
29. By statute, DDI should continue to report directly to DCI.
30. Committee recommends that analysts be better informed on policy changes.
31. Improve DDI personnel system.
32. DDI should bring in more established analysts.
33. Develop new tools and methods of analysis.
34. Continue to broaden experience of analysts by rotation.
35. **Approved For Release 2006/02/07 : CIA-RDP78-00300R000100090095-9**
Change in CIA charter should permit CA, but also establish
and procedures.

36. By statute prohibit assassination, subversion of democratic governments, support for police and internal security forces which systematically violate human rights.
37. By statute, require OAG review of CA by set criteria and procedures.
38. By statute, require annual budget submission for CA, Committee to be notified prior any withdrawals from reserve and no replenishment of reserve after CA W/O concurrence of Committees.
39. By statute, regulate covert use of Americans as combatants. (War powers act).
40. By statute, no Executive Branch PM W/O explicit prior consent of oversight committees.
41. Consider separating functions of DCI and CIA, dividing DDI and production from DDO functions of CIA.
42. Can't use operationally individual academics W/O clearing with head of their institution.
43. Committee should examine what further steps can be done about insuring integrity of academic institutions.
44. By statute, CIA should be barred from use of any grantees which are sponsored by the USG. *OPTIONAL*
45. By statute, no unattributed media distribution in U.S. Also no activity designed to effect indirectly such distribution.
- ~~44~~ 46. By statute, prohibit recruitment U.S. journalist or foreigners accredited to U.S. media.
47. Above statute should be extended cover any person who regularly provides or in certain ways connected with U.S. media.
- ~~44~~ 48. By law, prohibit use of U.S. clergy.
49. By statute permit use of proprietaries subject to internal and external controls.
50. Annual report on proprietaries to oversight committees, to include any intercessions on behalf of proprietaries with other U.S. agencies.
51. Report fiscal impact of proprietaries on CIA budget.
52. By statute, return of proprietary funds to treasury. Consultation with DOJ on disposal or sale on proprietary.

53. By statute, prohibit former senior officials from negotiating with CIA re disposal of proprietaries.
54. By statute, prohibit use of liaison to do things forbidden to CIA. Fact certain actions are carried out by liaison at our behest does not relieve Agency of responsibility for clearance with Executive or Congress.
55. Oversight committee should be fully informed agreements negotiated through intel channels.
56. CIA employees should be required to report abuses.
57. DCI should be required to report employee violations to the AG.
58. By statute CIA must report such referrals to oversight committee.
59. CIA should periodically require employees to report abuses.
60. By statute, General Counsel and IG should have unrestricted access to info and authority to review all activities.
61. All significant proposed activities ^{for legality + constitutionality} should be reviewed by GC.
62. IG surveys should be increased.
63. DCI should report annually to committees on the activities of OGC and IG.
64. By statute, the GC should be confirmed by Senate.
65. Continue to strengthen IG and OGC.
66. IG and OGC should have rank equal to DD/CIA.
67. Make adjustments in DOD authority to implement expanded DCI resource-allocation responsibilities.
68. By statute, establish charter for DIA.
69. By statute, establish charter for NSA.
70. Centralize DOD CI and investigative activities with the U.S. in DIS.
71. NSC, DOS and CIA should make clear that Ambassadors are authorized recipients of sources and methods info.
72. Ambassador shall ^{have} personal right of access to CIA operational traffic.

73. By statute DOS should be authorized to take steps to insure effective support to Ambassadors in this connection.
74. Consider increasing funds for foreign service overt collection.
75. NSC should review who should operate overseas commo.
76. DOS should train for political reporting and emphasize economic reporting.
77. Oversight committee should authorize an annual national intelligence budget and make total amount public.
78. Oversight should include monitoring of tactical and indirect support accounts.
79. GAO should audit at request of oversight committees.
80. Prohibitions of drug experimentations.
81. CIA and DOD should continue to make an effort to locate and help previous test individual.
82. Waiver of CIA directives of significance can be made only by DCI plus reporting to NSC and committee.
83. Standardize security clearance procedures for all civilian agencies and background checks for congressional committees.
84. Training should include instruction on legal and constitutional matters applicable to intelligence activities.
85. Limitations on security functions.
86. Consider legislation of new secrecy and disclosure laws. Should provide penalties for unlawful classification and disclosure. Define national secret, sources & methods, lawful and unlawful classification, lawful and unlawful disclosure.
87. By statute, establish federal register for classified E. O. to include NSCID and DCID. Oversight committee should have access.